Proof of entitlement to work in the UK

It is a legal requirement for every UK employer to complete a right to work check before employment begins. These checks can either be carried out using documentary evidence or through the Home Office’s online Right to Work Checking Service.

**Documentary right to work checks**

Where documentary checks are undertaken, employers must see the applicant’s original documents and are required to make and keep copies of these, alongside recording the date the check was made. Checks should be carried out with the applicant present. It is advisable for checks to be carried out for all individuals regardless of their background to minimise allegations of unlawful discrimination.

Where documents are presented by a student specifying they have a limited right to work in the UK during term time, the employer should check and make a copy of their academic term dates.

The Home Office provides two lists of documents, List A and List B, which employers may accept as a person’s proof of right to work in the UK. A document from List A will demonstrate that the holder has a definite right to work in the UK without restriction and should be checked before the start of employment. List B contains documents that demonstrate the holder has a time-limited right to work in the UK and should be checked before the start of employment and at point of expiry.

**Lists of acceptable documents for right to work checks**

**List A: Documents which need only be checked before employment starts**

1. A passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK.

2. A passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country\* or Switzerland.

(\*A Croatian national who wishes to work in the UK may need to obtain sponsorship and anaccession worker authorisation document.)

3. A Registration Certificate or Document Certifying Permanent Residence issued by the Home Office to a national of a European Economic Area country or Switzerland.

4. A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.

5. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.

6. A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.

7. A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **together with** an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

8. A birth or adoption certificate issued in the UK, **together with** an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

9. A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland, **together with** an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

10. A certificate of registration or naturalisation as a British citizen, **together with** an official document giving the person’s permanent National Insurance number and their name issued by a government agency or a previous employer

**List B – Time limited right to work in the UK**

**Group 1: Documents which must be checked before employment starts and at the expiry date**

1. A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to do the type of work in question.

2. A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to do the work in question.

3. A **current** Residence Card (including an Accession Residence Card or a Derivative

Residence Card) issued by the Home Office to a non-European Economic Area national who is a family member of a national of a European Economic Area country or Switzerland or who has a derivative right of residence.

4. A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with a valid endorsement indicating that the named person may stay in the UK, and is allowed to do the type of work in question, **together with** an official document giving the person’s permanent National Insurance number and their name issued by a Government agency or a previous employer.

**Group 2: Documents which must be checked within the six-month time limit of the Positive Verification Notice**

1. A Certificate of Application issued by the Home Office under regulation 18(3) or 20(2) of the Immigration (European Economic Area) Regulations 2006, to a family member of a national of a European Economic Area country or Switzerland stating that the holder is permitted to take employment which is **less than six months** old **together with a Positive Verification Notice** from the Home Office Employer Checking Service.

2. An Application Registration Card issued by the Home Office stating that the holder is permitted to take the employment in question, **together with a Positive Verification Notice** from the Home Office Employer Checking Service.

### 3. A Positive Verification Notice issued by the Home Office Employer Checking Service to the employer or prospective employer, which indicates that the named person may stay in the UK and is permitted to do the work in question.

**Online right to work checks**

Where the individual’s immigration status means their right to work can be checked online, employers must receive a response confirming the individual can undertake the work in question before employing them or continuing to employ them.

In order to submit an online check, employers will need to input the following information:

* the individual’s date of birth
* the employee’s share code as provided by the employee portal of the online Right to Work Checking service.

The right to work check should be recorded in a format that cannot be edited.

Where an online check is carried out for a student who will be employed during the term time, the employer should check and make a copy of their academic term dates.

**Positive Verification Notices**

In certain circumstances employers are required to obtain a Positive Verification Notice from the Home Office Employer Checking Service to confirm that the named person is allowed to carry out the type of work in question. This will be required if the employee is only able to produce:

* a Certificate of Application, less than 6 months old, indicating that the holder is permitted to undertake the work in question or
* an Application Registration Card indicating that the holder is permitted to undertake the work in question or
* no acceptable documents can be produced because the person has an outstanding application with the Home Office or appeal/administrative review against the Home Office.